

PELTON & ASSOCIATES PC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MOISES DOLORES, EDUARDO
CASTELAN, GELACIO REYES and
GREGORIO MIRANDA, Individually and
on Behalf of All Others Similarly Situated,**

Plaintiffs,

-against-

**EUROPAN CAFE, LLC. d/b/a EUROPAN,
THEODOROU HRISTOS, FRANK
PARENTE, EVANGELOS GAVALAS,
NICK GLENDIS, JAMES NICOZISIS and
JOHN DOES #1-10, Jointly and Severally,**

Defendants.

ECF Case

13 Civ. 7270 (RJS)(JLC)

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

PLEASE TAKE NOTICE that, upon the annexed affidavit of Brent E. Pelton, Esq., sworn to March 17, 2014, the exhibits annexed thereto, the accompanying memorandum of law in support of the Plaintiffs' motion for preliminary approval of the settlement agreement, and all the pleadings and proceedings heretofore had herein, the undersigned moves this Court, before the Hon. Richard J. Sullivan, United States District Judge, in the United States District

Courthouse for the Southern District of New York, 40 Foley Square, New York, New York 10007, for an Order:

(1) preliminarily approving the settlement reached by the parties in this action as embodied in their Settlement Agreement And Release (*See* Exhibit B to Pelton Declaration);

(2) approving the Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing (“Proposed Class Settlement Notice”) attached to the Pelton Declaration as **Exhibit C**; and direct its distribution;

(4) instructing the parties to appear before this Court for a Final Approval and Fairness Hearing on a date approximately seventy-five (75) days from the date of the Preliminary Approval Order; and

(5) for such other and further relief as the Court may deem just and proper.

For the Court’s convenience, attached hereto as **Exhibit 1** please find Plaintiffs’ [PROPOSED] ORDER ON PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT.

Dated: New York, New York
March 17, 2014

Respectfully submitted,

PELTON & ASSOCIATES PC

By: /s/Brent E. Pelton
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